

Adpt. on 3/7/2018

House Consumer and Human Resources Subcommittee Am. #1

Amendment No. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

FILED

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

AMEND Senate Bill No. 2475

House Bill No. 2304\*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 50-6-226(d)(1), is amended by deleting the language:

In addition to attorneys' fees provided for in this section, the court of workers' compensation claims may award reasonable attorneys' fees and reasonable costs, including reasonable and necessary court reporter expenses and expert witness fees, for depositions and trials incurred when the employer:

and substituting instead the language:

In addition to attorneys' fees provided for in this section, the court of workers' compensation claims may award reasonable attorneys' fees and reasonable costs, including, but not limited to, reasonable and necessary court reporter expenses and expert witness fees for depositions and trials, incurred when the employer:

SECTION 2. Tennessee Code Annotated, Section 50-6-226(d)(1)(B), is amended by deleting the subdivision and substituting instead the following:

Wrongfully denies a claim or wrongfully fails to timely initiate any of the benefits to which the employee or dependent is entitled under this chapter, including medical benefits under § 50-6-204, temporary or permanent disability benefits under § 50-6-207, or death benefits under § 50-6-210 if the workers' compensation judge makes a finding that the benefits were owed at an expedited hearing or compensation hearing. For purposes of this subdivision (d)(1)(B), "wrongfully" means erroneous, incorrect, or otherwise inconsistent with the law or facts.



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SECTION 3. Tennessee Code Annotated, Section 50-6-226(d)(2), is amended by deleting the language "2018" and substituting instead the language "2020".

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to injuries occurring on or after that date.

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**AMEND Senate Bill No. 1967**

**House Bill No. 1978\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 50, is amended by adding the following new chapter:

**50-10-101.**

As used in this chapter:

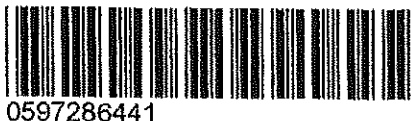
(1) "Marketplace contractor" means any individual, corporation, partnership, sole proprietorship, or other business entity that:

(A) Enters into an agreement with a marketplace platform to use the platform's online-enabled application, software, website, or system to receive connections to third-party individuals or entities seeking services in this state; and

(B) In return for compensation from the third-party or marketplace platform, offers or provides services to the third-party individuals or entities upon being given an assignment or connection through the marketplace platform's online-enabled application, software, website, or system; and

(2) "Marketplace platform" means a corporation, partnership, sole proprietorship, or other business entity operating in this state that:

(A) Offers an online-enabled application, software, website, or system that enables the provision of services by marketplace contractors to third-party individuals or entities seeking services; and



(B) Neither directly nor through any related party derives any benefit from work performed by marketplace contractors other than a subscription or use fee for placing marketplace contractors in assignments or otherwise providing connections.

**50-10-102.**

(a) A marketplace contractor is an independent contractor and not an employee of the marketplace platform for all purposes under state and local laws, rules, ordinances, and resolutions if the following conditions are set forth in a written agreement between the marketplace platform and the marketplace contractor:

(1) The marketplace platform and marketplace contractor agree in writing that the contractor is an independent contractor with respect to the marketplace platform;

(2) The marketplace platform does not unilaterally prescribe specific hours during which the marketplace contractor must be available to accept service requests from third-party individuals or entities. If a marketplace contractor posts the contractor's voluntary availability to provide services, the posting does not constitute a prescription of hours for purposes of this subdivision (a)(2);

(3) The marketplace platform does not prohibit the marketplace contractor from using any online-enabled application, software, website, or system offered by other marketplace platforms;

(4) The marketplace contractor may, at its discretion, enlist the help of an assistant to complete the services, and the marketplace platform may require the assistant to complete the marketplace platform's standard registration and vetting process. If the marketplace contractor enlists the help of an assistant, the marketplace contractor, not the marketplace platform, is responsible for paying the assistant;

(5) The marketplace platform does not restrict the marketplace contractor from engaging in any other occupation or business;

(6) The marketplace platform does not require marketplace contractors to use specific supplies or equipment;

(7) The marketplace platform does not control the means and methods for the services performed by a marketplace contractor by requiring the marketplace contractor to follow specified instructions governing how to perform the services. However, the marketplace platform may require that the quality of the services provided by the marketplace contractor meets specific standards and requirements;

(8) The agreement or contract between the marketplace contractor and the marketplace platform may be terminated by either the marketplace contractor or the marketplace platform with or without cause;

(9) The marketplace platform provides no medical or other insurance benefits to the marketplace contractor, and the marketplace contractor is responsible for paying taxes on all income derived as a result of services performed to third parties from the assignments or connections received from the marketplace platform; and

(10) All, or substantially all, payment to the marketplace contractor is based on performance of services to third parties who have engaged the services of the marketplace contractor through the marketplace platform.

(b) This section does not apply to any service that is the type of service identified in 26 U.S.C. § 3306(c)(7) or (c)(8).

**50-10-103.**

Nothing in this chapter applies to:

(1) A transportation network company, as defined in § 65-15-301; or

(2) A construction services provider, as defined in § 50-6-901.

SECTION 2. This act shall take effect July 1, 2018, the public welfare requiring it, and shall apply to services provided through a marketplace platform on or after that date.

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Signature of Sponsor

AMEND Senate Bill No. 2192

House Bill No. 2006\*

by deleting Sections 2 and 3 and renumbering the remaining section accordingly.

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**AMEND Senate Bill No. 1985**

**House Bill No. 1986\***

by deleting subsection (b) in SECTION 1 and substituting the following:

(b) No supplier shall install or offer to install an unsafe used tire on a motor vehicle without notifying the purchaser of the unsafe used tire of the tread depth prior to installing or offering to install the unsafe used tire.

**AND FURTHER AMEND** by deleting SECTION 2 and substituting the following:

SECTION 2. This act shall take effect July 1, 2018, the public welfare requiring it, and shall apply to installations of used tires occurring on or after that date.



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**AMEND Senate Bill No. 2197**

**House Bill No. 1671\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 47-18-5506(8), is amended by deleting the subdivision and substituting instead the following:

(8) Evidence of accreditation or certification by an independent accrediting or certifying organization approved by the administrator;

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.



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House Consumer and Human Resources Subcommittee Am. #1

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**AMEND Senate Bill No. 2328\***

**House Bill No. 2613**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 50, Chapter 1, Part 1, is amended by adding the following new section:

(a) An employer, as defined in § 50-1-304, shall not require an employee, as defined in § 50-1-304, or a prospective employee to execute or renew a non-disclosure agreement with respect to sexual harassment in the workplace as a condition of employment.

(b) Any employee injured as a result of a violation of subsection (a) has the same rights and remedies available to employees under § 50-1-304.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.



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House Consumer and Human Resources Subcommittee Am. #2

Amendment No. \_\_\_\_\_

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Signature of Sponsor

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Date _____
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Comm. Amdt. _____

**AMEND Senate Bill No. 2328\***

**House Bill No. 2613**

by deleting SECTION 2 and substituting instead the following:

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to agreements executed or renewed on or after that date.



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Amendment No. \_\_\_\_\_

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Signature of Sponsor

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Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 2536**

**House Bill No. 2508\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 47-18-2107(a), is amended by deleting subdivision (3) and adding the following new appropriately designated subdivisions:

( ) "Determination of a breach of system security" means the point in time at which an information holder has sufficient information to conclude that a breach of system security occurred;

( ) "Information holder" means any person that owns, licenses, or maintains computerized personal information of any resident of this state;

( ) "Person" means a natural person, individual, governmental agency, partnership, corporation, trust, estate, incorporated or unincorporated association, and any other legal or commercial entity however organized;

SECTION 2. Tennessee Code Annotated, Section 47-18-2107(a)(4)(A), is amended by deleting subdivision (ii) and substituting the following:

(ii) Official state-issued or government-issued identification number used to establish identity, including a state-issued driver license or taxpayer identification number;

SECTION 3. Tennessee Code Annotated, Section 47-18-2107(a)(4)(A), is amended by adding the following subdivisions:

( ) Passport number;

( ) A username or email address, in combination with a password or security question and answer that would permit access to an online account;



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( ) Medical information, including mental and physical medical history, mental and physical treatment by a healthcare professional, diagnosis of mental or physical condition by a healthcare professional, or deoxyribonucleic acid (DNA) profile;

( ) Health insurance information, including health insurance policy numbers, subscriber identification numbers, or any other unique identifiers used by a health insurer to identify an individual, or any medical information in an individual's health insurance application and claims history, including any appeals records;

( ) Unique biometric data generated from measurements or analysis of human body characteristics for authentication purposes;

SECTION 4. Tennessee Code Annotated, Section 47-18-2107(b), is amended by deleting the subsection and substituting the following:

(b) Following determination of a breach of system security or following notification of a breach of system security by a third-party information holder, and except as provided in subsection (e), the information holder that owns the personal information at issue shall provide notice of the breach of system security within forty-five (45) days to any resident of this state whose personal information was, or is reasonably believed to have been, acquired by an unauthorized person. When an information holder required by this section to notify residents of this state of a breach of system security could not, through reasonable diligence, determine within forty-five (45) days that the personal information of certain residents of this state was included in a breach, the information holder must provide the notice required by this section to the residents as soon as is practicable after it is determined that the personal information of those residents was included in a breach of system security, unless the information holder provides or has provided substitute notice in accordance with this section.

SECTION 5. Tennessee Code Annotated, Section 47-18-2107(c), is amended by deleting the subsection and substituting the following:

(c) Any information holder that maintains computerized data that includes personal information that the information holder does not own shall notify and cooperate with the owner or licensee of that information immediately following a determination of a breach of system security that affected personal information owned or licensed by another. For the purposes of this subsection (c), "cooperation" includes, but is not limited to, informing the owner or licensee of:

(1) The breach, including giving notice of the date or approximate date of the breach and the nature of the breach; and

(2) Any steps the data collector has taken or plans to take relating to the breach.

SECTION 6. Tennessee Code Annotated, Section 47-18-2107, is amended by adding the following as a new subsection:

An information holder required to issue a notice disclosing a breach of system security, pursuant to this section, to more than five hundred (500) residents of this state shall immediately notify the attorney general of the breach and shall submit to the attorney general a sample copy of the breach notification concurrent with notifying the residents.

SECTION 7. Tennessee Code Annotated, Section 47-18-2107, is amended by adding the following new subsections (b) and (f) and redesignating the existing subsections accordingly:

(b) All information holders shall implement and maintain reasonable procedures and practices, commensurate with industry standards and with the size and complexity of the information holders, to prevent the unauthorized acquisition, use, modification, disclosure, or destruction of personal information collected or maintained in the regular course of business, including appropriate corrective action.

(f) In the case of a breach of system security involving personal information that includes login credentials for an email account, the information holder shall not comply

with this section solely by providing the breach notification to the email account, but must also use an additional notice method as provided for in subdivisions (g)(1) and (g)(3).

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.

House Consumer and Human Resources Subcommittee Am. #2

Amendment No. \_\_\_\_\_

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Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 2536**

**House Bill No. 2508\***

by deleting the amendatory language of Section 6 and substituting the following:

SECTION 6. Tennessee Code Annotated, Section 47-18-2107, is amended by adding the following as a new subsection:

An information holder required to issue a notice disclosing a breach of system security, pursuant to this section, to more than five hundred (500) residents of this state shall notify the attorney general of the breach no later than twenty (20) days from determination of a breach of system security, the date on which the first resident notice is sent pursuant to subsection (b), or the date on which notice is given to any other person, whichever is earlier. In addition, the information holder shall submit to the attorney general a copy of the breach notification concurrent with notifying the residents.



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